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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

St. Helena

Working paper prepared by the Secretariat

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I. General

1. The Territory of St. Helena,[1] which is administered by the United Kingdom of Great Britain and Northern Ireland, consists of the main island of St. Helena and two dependencies: the island of Ascension and a group of islands forming the dependency of Tristan da Cunha.

2. Situated in the South Atlantic Ocean, approximately 1,900 kilometres from Angola and 2,900 kilometres from Brazil, the Territory covers a total land area of 412 square kilometres. Ascension lies 1,200 kilometres to the north-west of St. Helena, and Tristan da Cunha and the other small islands forming that dependency are approximately 2,400 kilometres to the south of it. St. Helena, where Jamestown, the capital of the Territory, is located, is the largest island, with an area of 122 square kilometres. It has a tropical climate tempered by trade winds which blow throughout the year.

3. According to the most recent information provided by the administering Power, the population of St. Helena, excluding its dependencies, was 5,131 at the end of 1995. Approximately one third reside at Jamestown. The next largest communities are situated at Longwood, in the east of the island, and at Half Tree Hollow, in the north-west. The remainder of the population live in small cottage communities or single cottages.

II. Constitutional and political developments

4. Information on constitutional and political developments in St. Helena is contained in a previous working paper prepared by the Secretariat (A/AC.109/2021, paras. 4-9). The administering Power informed the Special Political and Decolonization Committee (Fourth Committee) of the General Assembly at its fifty-first session in October 1996 that it had noted various statements made by members of the Legislative Council about the Constitution and was prepared to discuss them further with the people of St. Helena, and further noted that the Commonwealth Parliamentary Association had recently sent a delegation to study the Constitution and its application with the Legislative Council of the island.

5. During the debates in the House of Commons on 22 January 1997, some members of Parliament raised questions about the imbalance of power existing on the island between the Governor and the Legislative Council. According to their statements, existing problems related to St. Helena's economic and political development would be adequately addressed if the elected officials of the Legislative Council had more say in matters affecting the island. Members of Parliament specifically discussed the problem of rising unemployment, which was said to have reached about 18 per cent in 1996. Among the other issues discussed in the House of Commons were citizenship, transportation, fishing and prospects of tourism on St. Helena. It was emphasized during the debates that the island should be encouraged towards self-sufficiency, local control and self-government.[2]

6. In his statement to the House of Commons on the same day, the Minister of State, Foreign and Commonwealth Office, Nicholas Bonsor, stated that the administering Power's commitment to St. Helena was evidenced in its aid support, which was more than 8 million pounds sterling annually. He also said that private sector development and public sector reform were the keys to the island's future. The administering Power was negotiating an important three-year country policy plan with the St. Helena Government. The basis for the agreement was the St. Helena Government's strategic review, which had been completed in 1996. The country plan, according to the Minister, would commit the Overseas Development Administration to a substantial aid package spread over the next three years, which would give St. Helena more responsibility for its own affairs. He concluded by saying that his Government would look with great sympathy at any proposals by the islanders for constitutional change.[3]

7. On 13 March 1997 the Foreign and Commonwealth Office reported that the first St. Helena Business Forum took place at the Foreign Office, which brought together businessmen, officials and outside experts to explore development possibilities on St. Helena. One of the aims of the Forum was to examine how St. Helena could become economically self-sufficient.[4]

8. It was reported in early April 1997 that a police van and a bus were set on fire on the island on 2 April, and on 8 April two of the legislative Council's members resigned. A St. Helena official stated that the resignations had created tension in the Council, but that the situation on the island was calm. It was reported that the main complaint among the population of St. Helena was unemployment. Some islanders believed that the level of unemployment was too high while unemployment benefits were too low.[5] According to information provided by the administering Power, the Council would be dissolved in early June 1997. The Governor announced his decision to call elections in July, which had been scheduled for November 1997, following a request from Councillors.

III. Economic conditions

A. General

9. St. Helena possesses few natural resources. Agriculture, largely of a subsistence nature, is the main economic activity in St. Helena. Food production is insufficient to supply the island's needs, and this, together with the lack of manufacturing industries, results in the importation of the vast majority of its requirements. The cost of living in St. Helena is higher than in the United Kingdom owing to costs related to the remoteness of the island. The retail price index in February 1996 was 105.22, compared with 100 in November 1994. There is no value-added tax.

B. Public finance

10. The main items of estimated revenue, including British Government grant-in-aid, and expenditure for 1994 to 1996 were as shown in table 1.

11. Information on taxes is contained in the previous working paper prepared by the Secretariat (A/AC.109/2021, para. 12).

12. The Territory's statement of assets and liabilities as at 31 March 1996 was as shown in table 2.

C. Development projects

13. Information on development projects in St. Helena, including the project implemented by the United Nations Development Programme, is contained in previous working papers prepared by the Secretariat (A/AC.109/2021, paras. 14-18; A/AC.109/2043, paras. 10-11). Estimated development aid expenditure for the period from 1994 to 1996 is shown in table 3.

D. Agriculture, land tenure and livestock

14. Information on agriculture, land tenure and livestock is provided in a previous working paper (A/AC.109/2021, paras. 19-28).

15. Only small quantities of forestry and agricultural produce are exported from St. Helena. During 1995/96, 3.5 cubic metres of treated posts were exported to Ascencion and approximately 3.9 tons of coffee (valued at £39,867) were exported to the United Kingdom. The high price from a luxury niche market in the United Kingdom has stimulated renewed efforts to increase coffee production on the island.

16. The Agriculture and Forestry Department provides support to smallholder producers, including agricultural loans, through a revolving credit fund, which provided loans totalling £5,895 in 1995.

17. In 1992 an agricultural water subsidy programme was introduced to reduce the impact on farmers of a considerable increase in the prices charged by the Government for water. During 1995/96, £5,517 was spent on a water subsidy, which represents about 61,747 cubic metres of water used for irrigation.

18. The number of employees involved in agricultural and livestock services totalled 36, and the estimated expenditure during 1995/96 was £820,307.

19. St. Helena has an environmental conservation programme aimed at conserving endangered endemic species and diversity of the habitats. The endemic plants that are unique to St. Helena form an important part of St. Helena's heritage. Concerted efforts are being made to ensure their survival and conservation. During 1995/96, 2,766 of the various endemic plants were planted on the island.

E. Fisheries

20. Information on fisheries is contained in a previous working paper prepared by the Secretariat (A/AC.109/2021, paras. 29-33).

21. Employees at the St. Helena Fisheries Corporation during 1995/96 consisted of 18 workers, excluding fishermen.

22. Local fish sales and export statistics are shown in table 4.

23. During 1995/96 the St. Helena Fisheries Corporation completed part of its export and marketing project, which involved upgrading of processing areas, port harvest support and overseas training of its managerial staff.

F. Industries

24. There is no large-scale industry on St. Helena. All crafts are practised on a cottage-industry basis, with technical, financial and marketing facilities provided by the Government through the St. Helena Development Agency, established in 1995.

Table 1. Revenues and expenditures, 1994-1996

(Thousands of St. Helena pounds)[a]

	1994/95	1995/96
Revenues		
Direct taxes	716.8	759.5
Indirect taxes	1 088.4	1 164.4
Fines, fees and charges	207.3	189.6
Government rents and hires	112.9	131.7
Earnings of the Government	196.5	164.2
Treasury receipts	1 305.2	1 746.2
Other	2 604.2	2 743.4
Total ordinary revenue	6 231.3	6 899.0
Grant-in-aid	3 225.0	3 560.0
Total	**9 456.3**	**10 459.0**
Expenditures		
Government	1 364.9	1 336.1
Finance and development	804.4	822.3
Pensions and gratuities	314.8	295.3
Public education	1 105.5	1 207.8
Public health	1 360.9	1 362.5
Social services	1 125.3	1 246.1
Agriculture and forestry	793.3	836.6
Public works	2 903.1	3 013.4
Public debt	–	289.3
Other	41.4	49.4
Total	**9 813.6**	**10 458.8**

[a] The local currency is the St. Helena pound, which is equivalent to the United Kingdom pound sterling. Both St. Helena currency notes, introduced in 1976, and the United Kingdom pound sterling are legal tender.

Table 2. Assets and liabilities

(St. Helena pounds)

Liabilities		*Assets*	
Deposits	1 219 208	Cash held locally by Ascension and Crown Agents, London	3 061 440
Special funds			
Savings bank	9 345 772	Savings bank	8 185 516
Other funds	1 157 679	Other funds	835 205
Consolidated fund	740 109	Development fund	(42 153)
		Advances	422 760
Total	**12 462 768**		**12 462 768**

Table 3. Estimated development aid expenditure, 1994-1996

(Thousands of St. Helena pounds)

	Approved total grant		*Expenditures*	
Projects	*1994/95*	*1995/96*	*1994/95*	*1995/96*
Agriculture and forestry	1 452.7	1 452.7	191.1	152.0
Public utilities	3 875.4	1 847.8	502.9	246.4
Fisheries	283,30	283.3	200.0	36.0
Social and administrative services	4 935.0	3 319.0	252.0	64.5
Administrative and miscellaneous services	50,00	50.0	50.0	50.0
Other	190,00	–	163.9	–
Total	**10 786.4**	**6 952.8**	**135.9**	**548.9**

Table 4. Local fish sales and exports

	Local sales		*Exports*	
Year	*Tons*	*Value (pounds sterling)*	*Tons*	*Value (pounds sterling)*
1988/89	116.98	115 805	92.46	88 057
1989/90	109.80	121 522	154.54	128 124
1990/91	83.21	108 406	154.53	128 124
1991/92	88.91	118 782	26.66	38 399
1992/93	69.66	108 364	87.06	115 056
1993/94	68.93	107 516	168.85	189 593
1994/95	70.73	108 950	150.35	178 447
1995/96	162.48	123 034	199.95	276 922

G. Transport, communications and utilities

25. Information on transport, communications and utilities is contained in a previous working paper prepared by the Secretariat (A/AC.109/2021, paras. 35-37). The island has over 100 kilometres of surfaced roads. During the period under review, approximately 1.2 kilometres of road was constructed.

26. During 1995/96, a total of 344,888 cubic metres of treated and untreated water were supplied for domestic, commercial and agricultural purposes.

27. Electricity for the Territory is supplied by the Energy Division of the Public Works and Services Department, which employed more than 270 workers in 1995/96. The Department's annual expenditure is £2.6 million, and it receives income of £1.6 million through the sale of power, water and services. Expenditure on development aid work in 1995/96, with support from the Overseas Development Administration, totalled approximately £0.2 million. In 1995/96, a total of 6,278,478 kilowatt-hours were generated and an additional 115 consumers were connected to the island's power supply system, bringing the total to 2,263.

H. Banking and credit

28. Information on banking and credit is contained in a previous working paper prepared by the Secretariat (A/AC.109/2021, paras. 38-39). Local currency in circulation as at 31 March 1996 was £2,975,030, comprising £2,600,970 in notes and £374,060 in coins.

I. International trade

29. St. Helena's main imports are food products and tobacco, motor spirits and fuel oil, animal feed, building materials, motor vehicles, machinery and spare parts. Its only exports are fish, handicrafts and coffee. Its main trading partners remain the United Kingdom and South Africa. Others include Brazil and Ascension.

IV. Social conditions

30. Information on social conditions in the Territory is contained in a previous working paper prepared by the Secretariat (A/AC.109/2021, paras. 41-53).

31. According to the administering Power, 526 St. Helenians were employed as of March 1996 on Ascension, 238 on the Falkland Islands (Malvinas) and 147 in the United Kingdom, for tours of one to two years.

32. According to the administering Power, recurrent public health expenditure in 1995/96 was £1,351,393. There are six rural health clinics on the island. A total of 1,237 people were admitted to hospital during the period from 1 April 1995 to 31 March 1996. During that period the hospital performed 91 major and 180 minor operations.

33. At the end of March 1996, 502 needy persons received income-related benefit payments in the form of cash issues varying from £18.95 to £37.40 per week. A home help scheme, launched in 1981, at the end of March 1996 employed 66 women. In addition, an unemployment allowance varying from £12.50 upwards is payable.

34. There are 12 public schools in the Territory. The number of teachers in 1996 was 120, 2 of whom were St. Helenians. In 1995/96, school enrolment totalled 1,117 (1,110 indigenous). Total expenditure on education in 1995/96 was £1,228,057, which constituted over 11 per cent of total government expenditure.

V. Dependencies of St. Helena

35. Information on dependencies of St. Helena and the island Tristan da Cunha for the period ending in 1995, and the island of Ascension for the period ending in 1988, is contained in previous working papers on St. Helena prepared by the Secretariat (A/AC.109/2043, paras. 31-40, and A/AC.109/1071, paras. 119-129). No further information on them has been received by the Secretariat since that time.

VI. Future status of the Territory

36. In his statement before Fourth Committee on 9 October 1996,[6] during the general debate on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, the representative of the United Kingdom stated that the United Kingdom, which had 10 dependent Territories, remained firmly committed to the principle of self-determination, reflecting the wishes of the people concerned and exercised in accordance with the other principles and rights set out in the Charter of the United Nations, as well as other treaty obligations. He further stated that the United Kingdom had a good record on decolonization and continued to take very seriously its

obligations under the Charter in that connection. It regularly transmitted information on the Territories to the Committee, as required by Article 73 *e* of the Charter. He also said that within the constraints of treaty obligations, his country remained firmly committed to ensuring, in cooperation with the locally elected Governments, that the constitutional frameworks of its dependent Territories continued to meet the interests and wishes of their peoples.

37. On 27 March 1997, the General Assembly adopted without a vote resolution 51/224, a consolidated resolution on 11 Non-Self-Governing Territories, section IX of which was specifically devoted to St. Helena.

Notes

[1] Information regarding St. Helena has been derived from a report transmitted to the Secretary-General by the United Kingdom of Great Britain and Northern Ireland under Article 73 *e* of the Charter of the United Nations on 2 October 1996.

[2] United Kingdom, House of Commons *Official Report*, Parliamentary Debates (Hansard), vol. 288, No. 47, 22 January 1997, cols. 893-909.

[3] Ibid., cols. 909-912.

[4] Information provided by the Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations in April 1997.

[5] *Reuters*, 15 April 1997.

[6] A/C.4/51/SR.4, paras. 59-60.

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I. General

1. General information on Pitcairn[1] is contained in a previous working paper prepared by the Secretariat (A/AC.109/2012, paras. 1 and 2). According to information provided by the administering Power, on 1 June 1996 the population of Pitcairn was 58, aged from 5 to 88 years. Of these, 39 were Pitcairners and 19 were expatriates. All the inhabitants live in Adamstown, the only settlement in Pitcairn.

II. Constitutional and legal developments

2. A brief summary of constitutional arrangements in the Territory is contained in a previous working paper prepared by the Secretariat (A/AC.109/1179, paras. 4-8). A brief summary of Pitcairn's legal system is provided below.

3. Currently, the Pitcairn Order of 1970 and the Pitcairn Royal Instructions 1970 are in effect the Constitution of Pitcairn. These instruments established the office of Governor and regulate his powers and duties. The Governor is appointed by the Queen, acting on the advice of the United Kingdom Secretary of State for Foreign and Commonwealth Affairs, to whom he is accountable. In practice, the United Kingdom High Commissioner to New Zealand is appointed concurrently as Governor of Pitcairn and the responsibility for the administration of the island is accordingly vested in him and is discharged by him and officers subordinate to him.

4. Under the 1970 Order, the Governor has legislative authority for Pitcairn and is empowered to formulate laws on any subject. However, the Royal Instructions require him to obtain the prior approval of the Secretary of State for the enactment of certain classes of laws, including those that appear to the latter to be inconsistent with the United Kingdom's treaty obligations and laws that discriminate between different communities and religions.

5. Laws enacted by the Governor are styled ordinances. Formally, all ordinances are subject to disallowance by the Queen, on the advice of the Secretary of State. The United Kingdom Government retains the power to legislate directly for Pitcairn by an act of parliament or an order in council. It is under his legislative power that the Governor establishes courts for Pitcairn and regulates their jurisdiction and procedures (see paras. 12-19 below). The 1970 Order also vests in the Governor the power to appoint persons to offices in the public service and to remove or discipline them.

6. Pitcairn islanders manage their internal affairs through the Island Council. This was established by the Local Government Ordinance which confers on it the duty to provide for the enforcement of the laws of Pitcairn and empowers it to make regulations for the good administration of Pitcairn, the maintenance of peace, order and public safety and the social and economic advancement of the islanders.

7. The Council is required to meet at least once every month. It consists of 10 members: the Island Magistrate, who is elected every three years; the Chairman of the Internal Committee, who is elected annually; four other elected members, who are also elected annually; the Island Secretary, who is a public officer and serves on the Council ex officio; one nominated member, who is appointed annually by the Governor; and two advisory (non-voting) members, of whom one is appointed annually by the Governor and the other is appointed annually by the other members of the Council.

8. The Island Magistrate is the President of the Island Council. He is also the Chief Executive Officer of Pitcairn and presides over the Island Court (see paras. 12-19 below).

9. The formal functions of the Internal Committee are to carry out the orders of the Island Council and to perform such duties as the Council may direct; in practice, its principal function is to organize and implement the work programme. The Committee comprises the Chairman and such other persons (not being members of the Island Council or public officers) as the Council, with the Governor's approval, may appoint.

10. To qualify for voting in elections to the various elective offices (Island Magistrate, Chairman of the Internal Committee and elected Councillors) a person must either be a native-born inhabitant of Pitcairn or have at least three years' residence on the island and must be at least 18 years of age. A candidate for election as Island Magistrate or Chairman of the Internal Committee must either be a native-born inhabitant of Pitcairn or have at least 21 years' residence on the island; candidates for the other elective offices must either be native-born inhabitants or have at least five years' residence.

11. The Island Secretary and other non-elected officials (e.g., the Postmaster, the Radio Officer and Police Officer) are appointed by the Governor, invariably after consultation with the Council. A Commissioner based in Auckland, New Zealand, carries out liaison between the Governor and the Island Council.

12. The court system of Pitcairn includes the Supreme Court, the Subordinate Court and the Island Court. In certain

cases an appeal could lie from these courts to the Judicial Committee of the Privy Council. The Supreme Court consists of such a judge or judges as the Governor, acting in accordance with instructions from the Secretary of State, may from time to time appoint. It has unlimited jurisdiction in all civil and criminal matters. Trials before the Supreme Court, whether in criminal or in civil cases, would normally be held by a judge sitting alone, but the Court has the power, in appropriate cases, to appoint between two and four assessors.

13. The Subordinate Court consists of a magistrate, who is any proper person whom the Governor appoints for that purpose. The Court ordinarily has the same jurisdiction and powers in criminal cases as a magistrate's court in England and the same jurisdiction and powers in civil cases as a county court in England, but the Governor can enlarge its jurisdiction in particular cases. There is a right to appeal in all cases to the Supreme Court.

14. The Island Court consists of the Island Magistrate sitting with two assessors, but the Magistrate is empowered (or in some circumstances is required) to sit alone in dealing with certain cases. The Island Court has a wide jurisdiction in civil disputes where the monetary amount at issue does not exceed a specified sum, and also in guardianship, custody and maintenance cases and in certain cases involving the affairs of persons of unsound mind or sick and aged persons. Some civil disputes, e.g., suits for malicious prosecution or for defamation, are specifically excluded from its jurisdiction. The Court also has the power to inquire into deaths that may have been caused or accelerated by any unnatural cause and into cases where property has been destroyed or damaged by fire. Its criminal jurisdiction covers all offences except those specifically excluded by law, but its powers of punishment are limited and it may not deal with offences committed more than six months previously. The Court would also act as the court of committal to either the Subordinate Court or the Supreme Court with regard to those criminal cases that are required to be dealt with by those courts. The Governor has the power, in relation to a case of his own motion or on the application of any party to a case determined by the Island Court, to have the record of the proceedings in that case reviewed by the Supreme Court, which could then make such orders and give such directions to the Island Court as it considers necessary or expedient in the interests of justice.

15. Although the law of Pitcairn makes comprehensive provision for the administration of justice, in practice most aspects of it scarcely ever need to be invoked. It is in fact rare even for the Island Court to be required to sit.

16. Pitcairn's Constitution, as embodied in the Pitcairn Order (1970) and the Pitcairn Royal Instructions (1970), does not contain any provisions expressly guaranteeing human rights, nor has any formal machinery been established specifically for that purpose. Under the Common Law system which operates in Pitcairn, treaties that apply to Pitcairn (including human rights treaties) do not themselves have the force of internal law and cannot be directly invoked as a source of individual rights, although the courts are required, when possible, to construe domestic legislation in such a way as to avoid incompatibility with the United Kingdom's international legal obligations. The usual method of giving effect to treaty obligations (when these require some change in existing law or practice) is to enact specific new legislation, to amend existing legislation or to adapt existing administrative practices, as the case may require.[2]

17. Where such new or amended legislation has resulted in the creation or definition of specific legal rights and those are denied or interfered with (or there is a threat of such action), a remedy is available in the courts through the ordinary procedures of civil litigation or, in appropriate cases, by criminal sanctions. For the most part, however, the legal protection of the human rights of Pitcairn islanders does not depend on specific legislation such as the two orders in council mentioned above: it is assured through the enforcement by the local courts of the basic principles of the law in force on the Island, which follow the same basic principles as the laws of England.

18. Without prejudice to the ability of the courts to grant relief and redress in any case where legal rights are infringed or threatened, the Governor has the ultimate responsibility for overseeing the implementation of human rights in Pitcairn. Any complaint of unlawful or oppressive action by any government official or authority can be raised with him, either directly or through one of his subordinate officers, and will be investigated thoroughly. If the complaint proves to be well-founded, he has the power to take appropriate remedial measures.

19. The laws in force in Pitcairn, including any specifically relating to human rights, are published by the Government of the United Kingdom and are accessible to all on the island through the Island Secretary's office.

III. Economic, social and educational conditions

20. Information on the economic, social and educational conditions in the Territory is contained in previous working

papers prepared by the Secretariat (A/AC.109/2012, paras. 4-26; and A/AC.109/2056, paras. 3-7).

21. According to previous reports by the administering Power, there are no social problems of a racial or cultural nature on Pitcairn. Women and men have equal status; personal and corporate freedoms is enjoyed and Pitcairn's legislation meets the requirements of United Nations conventions on human rights (see paras. 16-19).

IV. Future status of the Territory

Consideration by the General Assembly

22. A summary of the position of the administering Power towards its dependent Territories is contained in previous working papers prepared by the Secretariat (A/AC.109/1137, para. 17; and A/AC.109/1180, paras. 30-36). For statements made during the fifty-first session of the General Assembly, see A/AC.109/2071, para. 36.

23. On 27 March 1997, the General Assembly adopted without a vote resolution 51/224 B, a consolidated resolution on 12 Non-Self-Governing Territories, section VIII of which is specifically devoted to Pitcairn.

Notes

[1] The information contained in this paper has been derived from information transmitted to the Secretary-General by the Government of the United Kingdom of Great Britain and Northern Ireland, under Article 73 *e* of the Charter of the United Nations, on 11 June 1996 and 13 March 1997, for the period 1994-1996.

[2] New legislation for this purpose could take the form of a locally enacted ordinance or of an order in council made by the United Kingdom Government. Examples of orders in council made for this purpose are the Geneva Conventions Act (Colonial Territories) Order in Council 1959, which implemented the four Geneva Conventions in Pitcairn and a number of other British dependent Territories, and the Criminal Justice Act 1988 (Torture) (Overseas Territories) Order 1988, which similarly implemented the Convention against Torture, etc.